

05-5966 CLARK V. ARIZONA

DECISION BELOW: unpublished

LOWER COURT CASE NUMBER: 1 CA-CR 03-0851, 1 CA-CR 03-0985

QUESTION PRESENTED:

- (1) Whether Arizona's insanity law, as set forth in A.R.S. § 13-502 (1996) and applied in this case, violated Petitioner's right to due process under the United States Constitution, Fourteenth Amendment?
- (2) Whether Arizona's blanket exclusion of evidence and refusal to consider mental disease or defect to rebut the state's evidence on the element of mens rea violated Petitioner's right to due process under the United States Constitution, Fourteenth Amendment?

CERT. GRANTED 12/5/2005